S.B. CRIMINAL MISC. PETITION NO.592/2006
(Dinesh Vs. State)

Date of order : 12.5.2006

HON'BLE MR. JUSTICE GOPAL KRISHAN VYAS

Mr. Mohd. Aneesh Bhurat, for the petitioner.
Mr. Ashok Upadhyay, Public Prosecutor.

Heard learned counsel for the petitioner and perused the order impugned.

It is contended by the learned counsel for the petitioner that due to non-appearance of the petitioner, his bail bonds were forfeited vide order dated 13.11.2002, thereafter standing warrant was issued against the petitioner and proceedings under Section 82 and 83 Cr.P.C. were also initiated against the petitioner. It is contended by the learned counsel for the petitioner that the date of hearing was not informed to the petitioner by his counsel and the petitioner was engaged in business at Bombay.

Obviously, in the event of non-appearance before the trial court, the only option available to trial court is to forfeit the bail bonds and issue warrant of arrest. Therefore, the trial court has rightly issued warrant of arrest against the petitioner due to his non-appearance.

However, in the facts and circumstances of

the case, the petitioner may appear before the trial court. In case, the petitioner appears before the trial court and after his appearance files application for regular bail, the trial court shall decide the said application sympathetically on the same day on merits.

With the aforesaid observations and directions, the petition stands disposed of.

(GOPAL KRISHAN VYAS), J.

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